

REMARKS

With this amendment, claims 20, 21, 24, 26, 27 and 42-57 are pending, with claims 1, 42, 47 and 52 being the independent claims. Additions are shown underlined and deletions are shown in strikethrough text or in double brackets. No new matter is added by this amendment.

Claims 42 and 47 are Shown in the Drawings

The drawings were objected to under 37 CFR 1.83(a). Specifically, the Examiner asserts that "the second portion of the wall panel being formed of a first sheet of material and a second sheet of material" recited in claim 42, and "the first portion coupled to the third portion, the second portion coupled to the first portion and the third portion, the second portion overlying a portion of the first portion and a portion of the third portion to form a double layer" recited in claim 47 are not shown in the drawings.

The Applicant respectfully submits that FIG. 4 illustrates the above recitations in claims 42 and 47 (and 52). Support can also be found in the accompanying description in the specification for FIG. 5 ("The sheet material 110 can function like the enclosing wall 96 in FIG. 4, and can be embodied in the form of a single sheet of material or can have two layers to define an inflatable chamber therewithin." col. 6, l. 37-40).

As shown in FIG. 4 reproduced below (with annotations), the wall panel can include a first portion, second portion and third portion (two examples shown). In example 1 and with respect to claim 42, the second portion of the wall can include two layers (96 and 100) ("A plurality of inflatable tubes 100 can be attached to the wall 96 . . . [t]he tubes 100 can be made of a soft and flexible material." col. 5, line 65 - col. 6, line 1). Further, viewed another way (see example 2), and with respect to claim 47, the first portion and the third portion of the wall can extend at least partially behind tube 100, and the second portion can be tube 100. Thus, in example 2, the second portion (e.g., tube 100) overlies a portion of the first portion and a portion of the third portion.



Obviousness-Type Double Patenting

Claims 20-21, 24, 26-27 and 42-57 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of USP 6,901,940 and USP 7,308,989. Although Applicant does not agree with the obviousness-type double-patenting rejection, a Terminal Disclaimer is being submitted herewith to overcome this rejection.

Claims 52-57 comply with Section 112

Claims 52-57 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner asserts that in claim 52, line 8, the phrase “each portion of the wall that includes a sheet material from the plurality of sheet materials having a first layer defined by that sheet material and a second layer” is confusing. Although the Applicant disagrees with this assertion, the Applicant has amended claim 52 to address this rejection. The Examiner further states that in claim 54, the term “inflatable tube” lacks antecedent basis. The Applicant has amended claim 52 (to which claim 54 depends) to recite “an inflatable tube disposed at a top portion of the wall.” Accordingly, the Applicant respectfully submits that the rejection of claims 52-57 has been overcome.



Claims 52-53 and 55-57 are Patentable over Easter

Claims 52-53 and 55-57 stand rejected under 35 USC 102(b) as being anticipated by USP 5,800,067 to Easter ("Easter").

Independent claim 52 has been amended to recite "an inflatable tube disposed at a top portion of the wall." Easter does not disclose or suggest such an apparatus. Specifically, Easter discloses a pop-up collapsible device that is entirely missing an "inflatable tube disposed at a top portion of the wall" as recited in claim 52 as amended and therefore does not anticipate claim 52.

Accordingly, the Applicant respectfully submits that claim 52 is allowable over Easter. Based at least on their dependence from claim 52, claims 53-57 are also allowable.

CONCLUSION

Thus, this application is submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if the Examiner has any suggestions for placing the claims in condition for allowance.

Respectfully Submitted,


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CERTIFICATE OF MAILING

I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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By: 
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